THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.16259 of 2007

Between:

T.Bhaskar.

.. PETITIONER

and

The Prohibition and Excise Inspector,
Kodur Station and another.

.. RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.16259 of 2007

ORDER:

It is the case of the petitioner that he is the owner of Auto bearing No.AP-04-V-1007, which was seized in Cr.No.64/2006-07 by the Prohibition and Excise Inspector, Kodur Station, Kadapa District. It is stated that the consequential proceedings are pending before the 2nd respondent-Deputy Commissioner of Prohibition and Excise, Chittoor District. Pending disposal of the confiscation proceedings, the petitioner filed an application, dated 29-09-2006, seeking interim custody of the vehicle. Pursuant to the said application, the 2nd respondent passed an order in Rc.No.181 of 2006, dated 24-12-2006, for release of the vehicle for interim custody to the petitioner, pending finalization of the confiscation proceedings, subject to the following conditions.

> "1. The owner shall furnish a fixed deposit receipt for the amount equivalent to the present value as assessed by the Motor Vehicle Inspector, Rajampeta, in favour of the Deputy Commissioner of Prohibition and Excise, Chittoor. The assessed value of the above Auto is Rs.35,000/- as per the report of Motor Vehicle Inspector, Rajampeta.
>
> 2. He shall submit an undertaking to the effect that the owner shall not sell, transfer or encumber the vehicle or alter the vehicle in any manner and keep it in the same condition as it is now, and produce the same at the place and time as directed by the authorities as and when required till the disposal of the case."

The petitioner questions condition No.1 stating that he is a poor person and therefore, he is unable to give bank guarantee for a sum of Rs.35,000/-. It is stated that the petitioner will deposit the original R.C.book and will execute a personal bond for the value of the said vehicle.

In the facts and circumstances of the case and in view of the value of the vehicle as assessed by the Motor Vehicle Inspector, I am of the opinion

that it is just and proper to modify condition No.1 imposed by the 2nd respondent to that of furnishing a fixed deposit receipt for a sum of Rs.15,000/- and executing a personal bond for the remaining amount of Rs.20,000/- by the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, modifying condition No.1 imposed by the 2nd respondent, directing the petitioner to furnish the fixed deposit receipt for a sum of Rs.15,000/- in favour of the 2nd respondent and also execute a personal bond for a sum of Rs.20,000/- on a bond paper of Rs.100/-.

It is further made clear that in the event of confiscation of the vehicle, the F.D.R. shall be encashed by the petitioner and the personal bond shall stand cancelled. There shall be no order as to costs.

_____

31-07-2007

Note:
Issue C.C. in two days
(B/o)
Prv